

Updated Assessment of the implementation by Albania of the roadmap for visa liberalisation

18 May 2009

With a view to facilitating the comparison with the first assessment made in November 2008, the latter has been kept in the present document in open text followed by the updated assessment presented in boxes.

BLOCK 1 Document Security

General assessment of block 1:

Albania has made good progress towards the fulfilment of the block 1 benchmarks. A new electronic civil registry system is operational since 31 October 2008, providing a secure centralised database for the issuance of breeder documents such as birth certificates. Significant progress has therefore been made on breeder document security. A tender for the production, personalisation and distribution of biometric passports has been awarded and the security specifications of ID cards and the foreseen biometric passports are in line with ICAO and EU standards.

The processing of applications for biometric passports has started but no significant number of such passports has been delivered. Further verification will be necessary once the issuance of biometric passports is in full progress. In the meantime, further efforts are required to ensure the integrity and security of personalisation and distribution procedures, establish training and anti-corruption programmes for officials dealing with passports and visas and improve access to Interpol's lost and stolen travel documents database.

It appears that Albania does not yet fully meet all the benchmarks specified under block 1 of the Roadmap. The issuance of biometric passports under a secure personalisation procedure could not be assessed during the period covered by this updated assessment report.

Detailed comments on block 1 by policy area:

Passports/travel documents, ID cards and breeder documents (benchmarks 1-5)

November 2008 Assessment:

Albania foresees the introduction of biometric passports in January 2009. A tender procedure for the setting up of a biometric passport issuing system has been completed. The personalisation and distribution of documents is to be organised from January 2009 by a private contractor under the supervision of the Albanian authorities. The relevant legal framework is expected to be adopted in December 2008. Its implementation will need to be

swift and closely monitored if the target date for the introduction of biometric passports is to be achieved.

Only very general information is provided on the compliance of the new passports with ICAO and EC standards and on the security features of the new passports. The phasing out of old passports is foreseen by June 2011. The relevant laws and administrative measures have yet to be adopted.

The syllabus of the Police Training Academy includes a module on police ethics and corruption. However, there are currently no specific training programmes in place targeting officials dealing with visas and passports.

Albanian authorities have access to the Interpol database on lost and stolen passports. However, out of 57,218 passports reported as lost to the Albanian police since 1 January 2004, only 16 cases have been transmitted to Interpol for international search (2,297 passports were seized and declared invalid). Since January 2008, systematic reporting to Interpol has been required but no precise data is available.

A civil registry system has been established in cooperation with the OSCE and the Austrian Ministry of the Interior. It became operational on 31 October 2008 when registry offices started issuing printed certificates. The civil registry system will form the basis for the introduction and personalisation of the new biometric passports. Its functioning and security is therefore an essential precondition for the introduction of the new biometric passports and the integrity of their personalisation. Sufficient human and financial resources must be allocated. Albania's report did not provide information on the security of other breeder documents, focusing instead on the security of blank passports.

Further information is requested on:

- security features of new passports and their compliance with ICAO and EC standards;
- legal framework and administrative procedure for the personalisation and distribution of new passports;
- legal framework and administrative procedure for the phasing out of old passports;
- future plans to establish specific training programmes targeting officials dealing with visas and passports;
- procedure and statistical data on reporting of lost and stolen passports to Interpol since January 2008;
- procedures and facilities regarding breeder documents, storage facilities, security standards, and issuance procedures, in particular on methods in place for verifying that all personal data entered into relevant databases is authentic;
- the civil registry system, in particular financial and human resources and their ability to ensure the efficient functioning of the system.

May 2009 Updated Assessment:

A contract for the production of biometric passports and ID cards has been awarded to a private contractor and the security features meet the relevant ICAO and EU standards. Applications for biometric ID cards have been accepted since 12 January 2009 and their issuance began on 18 February 2009 (by 7 May 2009, 550 000 IDs had been produced, out of which 270 000 distributed to citizens). The processing of applications for biometric passports started on 25 March 2009. By 7 May 2009, there were 7294 applications and 4975 passports

ready for distribution. The fully-fledged distribution of biometric passports will start after the June elections.

Non-biometric passports issued until the introduction of the new passport are to remain in circulation until the end of their five year validity period. However, it is important to ensure that these are phased out. A legal framework and administrative procedure needs to be put in place accordingly. The personalisation centre is under 24-hour protection by security guards but still lacks other security measures such as video surveillance. Staff work according to a shift system and have clearly designated roles. The distribution of ID cards is currently carried out by a private contractor and in the future the Albanian post will cooperate in the distribution of both ID cards and passports. Further efforts are required to ensure that, upon delivery of ID cards and passports, the biometric features of the applicant are verified. The Albanian authorities have endeavoured to remedy the security gaps in the personalisation centre and the distribution process. A further assessment will be necessary once the personalisation and distribution of biometric passports is in full progress.

Staff responsible for the personalisation of ID cards and passports is carefully selected and trained by the contracting company and bound by its code of conduct. There are currently no systematic training and general anti-corruption programmes in place targeting all public officials dealing with passports and identity documents.

Lost and stolen passports are reported by police stations to the Interpol National Central Bureau (NCB) in Tirana which then automatically transfers data to Interpol every 24 hours (In the second half of 2008, 115 passports were reported stolen, 5489 were reported lost and 7490 were reported invalid to Interpol). Further efforts are required to ensure direct access of all police stations and border crossing points to the Interpol database on lost and stolen passports. The modernised civil registration system is functioning efficiently. The data of all citizens was entered into the NCR and verified. Thereafter the Civil Status Offices (CSOs) throughout the country, which are connected to the NCR, began issuing printed identity certificates, which serve as breeder documents for the issuance of ID cards and passports. The matricular procedure, issuance of certificates, storage and protection within the NCR system are efficient and secure. CSO staff is well trained. It needs to be ensured that the use of handwritten certificates is abandoned and that data from sources other than the NCR is no longer used.

BLOCK 2 Illegal migration, including readmission

General assessment of block 2:

Some progress has been made in the fields of border management, asylum and migration. In the area of border management, new laws have been adopted and operational procedures have been developed.

An updated integrated border management strategy and action plan are needed and Border and Migration Police capacities should be further strengthened, including by investing in equipment and infrastructure, and by stepping up the efficient management of resources. The Total Information Management System (TIMS) is to be fully installed and operational at all Border Crossing Points (BCPs). Albania should continue to improve its sea border surveillance system and strengthen its inter-agency and international cooperation.

Good progress has been made in the area of asylum. Amendments to the Law on Asylum were adopted in January 2009 and legislative harmonisation with EU standards is now relatively advanced. The possibility for judicial appeal exists although relevant procedures should be further elaborated in the legal framework. The reception centre for asylum seekers has been renovated and is in very good condition.

In the area of migration management, a new Law on foreigners has entered into force and the implementation of the national migration strategy and action plan are continuing. Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies.

The readmission agreement with the European Community is being implemented.

It appears that Albania does not yet fully meet all the benchmarks specified in block 2 of the Roadmap. Further progress remains to be made in particular in the areas of border and migration management.

Detailed comments on block 2 by policy area:

Border management (benchmarks 6-9)

November 2008 Assessment

Albania has made progress in the field of border management. The new Law on state police, the Law on control and monitoring of the state border and the Law on foreigners have been adopted. Several standard operational procedures have been developed and others are in progress.

The Border and Migration Police (BMP) has been organised as a Department of the state police, under the authority of the Director General of the state police. Regional directorates

have been established within the BMP and the Office of risk analysis and Sector of investigation are operational. The budget of the BMP is independent and separate from the budget of the state police. In order to implement its mission, 300 additional police employees are expected to be recruited.

Priorities for investment in equipment and infrastructure have been determined. The national system of surveillance of the sea area is close to completion. Based on the Master Plan for investments in border control infrastructure, construction or upgrading of Border Crossing Points (BCPs) are to be carried out.

An Instruction of the Ministry of Interior on the approval of the procedures on the control and supervision of the state border is foreseen. The Total Information Management System (TIMS) has been installed and is operational at 15 BCPs. Further efforts should be made to prepare the installation of the system at all BCPs.

According to the Law on the coast guard, the operational direction of the coast guard has been transferred to the Maritime Operational Inter-Institutional Centre (MOIC). The effective implementation remains to be assessed.

As regards inter-agency cooperation, a regulation on cooperation between the BMP and the Albanian Customs Service has been approved. A sufficient legal basis for cross-border cooperation activities has been created through existing general bilateral agreements on police cooperation.

International assistance in the field of Integrated Border Management (IBM) is to be coordinated by the Inter-ministerial committee. An Instruction of the Ministry of Interior is foreseen on the setting up and functioning of the Joint regional and central commission for the resolution of incidents at the border and commission for maintaining the border line and signs with neighbouring countries.

The action plan on IBM is to be updated, including information on its outcome, information on the control and monitoring of borders, in particular measures taken to strengthen border control at land borders.

A sector has been created at the Police Academy which ensures the good functioning of BMP employees' training. Annual training programs are being implemented according to schedule. The State Police Code of Ethics has been approved.

Discussions are currently ongoing between the Albanian authorities and FRONTEX on a working arrangement regulating mutual cooperation between FRONTEX and the competent authorities.

Further information is requested on:

- time horizons for remaining necessary amendments to legislation taking into account EU standards and in particular the Schengen Borders Code;
- content of the Instruction of the Ministry of Interior on the approval of procedures on the control and supervision of the state border;
- the Border and Migration Police, in particular its human resources and training systems, plans to fill vacancies (in particular further information on the 300 additional

border police officers), risk analysis and exchange of information, and anti-corruption measures;

- overall situation at maritime borders, in particular measures undertaken and technical and human resources allocated to the coast guard, operational centre and infrastructure at Durres and Vlora ports;
- planning for the full installation of TIMS and installation and putting in operation of digital police radio system TETRA.

Updated May 2009 Assessment:

There is a need to ensure effective implementation of the Law on State Border Control and Surveillance. The National Strategy on Migration does not sufficiently address issues relevant for border management. Therefore it is advisable to update or adopt a new Integrated Border Management (IBM) strategy and develop a comprehensive Action Plan for its implementation.

The BMP has a centralised structure, with 8 Border and Migration Directorates at regional level and 36 Border and Migration Stations at local level with responsibility for border surveillance and border checks. It is necessary to clearly define their territorial responsibility and inland powers.

Law enforcement at sea and blue border surveillance is the responsibility of both the BMP and the coast guard, which pertains to the Ministry of Defence. There is a need to better define the division of competences between the BMP and Coast Guard to avoid duplication and ensure that the BMP has the lead role in blue border management. The Inter-Institutional Maritime Operational Centre should be strengthened to allow full operational coordination of all national authorities involved in border surveillance on the basis of clear working arrangements.

Further efforts are needed to improve inter-agency cooperation between authorities working at the border, and there is in particular a need to strengthen the existing inter-ministerial coordination mechanism. Practical cooperation and information flow between the BMP and Customs at BCPs should also be strengthened on the basis of signed formal agreements.

The BMP has 1400 border police officers. Staffing shortages continue and the distribution of human resources along borders does not adequately target high-risk areas. Recruitment follows the same regulations as for the regular police. Due to a lack of staff engaged in human resources management there is insufficient long-term strategic planning in this field with efforts currently focusing on filling identified vacancies.

Significant efforts have been made to improve training for border police officers and the authorities have demonstrated an awareness of the importance of making progress in this field. All new recruits receive 22 weeks of training, and in addition, in 2008 over 100 specialised and advanced trainings were organised. Basic police training is rather short and should focus more closely on border surveillance and other specialised border management skills.

An anti-corruption programme of the BMP is currently being adopted. Further efforts will be

required to ensure its effective implementation.

Further efforts are also required to strengthen risk analysis. The Risk Analysis Unit of the BMP gathers relevant statistical data but does not draw proper operational conclusions for implementation at regional and local level. Situational awareness of the border police needs strengthening, and data flow from central level to regional and local level does not yet function efficiently.

Border surveillance is managed by the Regional Directorates. At the green border, technical surveillance systems and alarm systems are not in place, and in general equipment for border surveillance is rather obsolete. Further efforts are needed to modernise equipment, prioritise patrols in high-risk areas on the basis of risk analysis, improve situational awareness of commanding officers and raise the number of border police officers available for border surveillance. At Shkodër Lake, surveillance is conducted in a satisfactory manner and available equipment is adequate. At the maritime borders, surveillance systems used by the BMP are in need of modernisation and boats capable of conducting checks in bad weather and in areas remote from the shoreline are lacking.

Infrastructure at BCPs is adequate for performing checks in low season. Current infrastructure at the major maritime border crossing points in Durres and Vlora are not adequate, and plans to construct new premises during 2009 are in place. Technical equipment is adequate for conducting first-line travel document checks, but there is a need to purchase equipment for second line checks, in particular for the detection of persons hiding in vehicles. Plans exist to install the TETRA radio communication system and it should become operational in 2012. Further efforts are required to improve access to the TIMS system at BCPs and Border and Migration Police stations. Access to databases not included in TIMS such as the central database of the Ministry of Interior on issued travel documents and registered motor vehicles should also be ensured.

Agreements on cross-border cooperation on border management have been finalised with all neighbouring countries and a sufficient legal basis for cross-border cooperation activities exists. Protocols on joint patrols have been signed with the former Yugoslav Republic of Macedonia and Montenegro, and cooperation in border surveillance at the Shkodër Lake is particularly advanced with the latter. A Working Agreement with FRONTEX was signed in February 2009.

Asylum (benchmarks 11, 12)

November 2008 Assessment

The Law on asylum has been revised in view of approximation to EU and international standards. The new Law on asylum was adopted by the Council of Ministers on 10 October 2008, but its parliamentary approval is still pending. Its adoption and implementation are of particular importance. Regarding the provision of adequate infrastructure, in particular in the area of asylum procedures and reception of asylum seekers, basic facilities have been provided, but need upgrading.

Since January 2008, eight persons have requested asylum in Albania and one of them has been granted temporary asylum on humanitarian grounds. Nevertheless, financial and human resources at the Department for citizenship and refugees are not sufficient to fulfil the obligations under the 1951 Convention relating to the status of refugees, particularly for the implementation of the pre-screening system.

Further information is requested on:

- the new Law on asylum, timetable for its adoption and implementation;
- plans to upgrade reception facilities;
- length of asylum procedures;
- existence of an independent judicial appeal body;
- application of asylum procedures at reception centres;
- coordination mechanism with the border police;
- provision of financial support and basic socio-economic benefits for asylum applicants (amount of financial support, healthcare rights, number of children who receive education).

Updated May 2009 Assessment:

The Albanian asylum system is fully functional. Amendments to the Law on Asylum were adopted on 26 January 2009 and harmonisation of the legislative framework with European standards is relatively advanced. Preparation and adoption of bylaws required for ensuring the effective access of asylum seekers and persons recognised as in need of international protection to the rights foreseen by the new legislation is currently underway.

The Directorate for Nationality and Refugees (DNR) is responsible for managing the asylum procedure and processing asylum claims. It currently employs five persons and has the capacity to deal adequately with the current low case load (still mainly consisting of ethnic Albanian Kosovars). Staff has received extensive training from UNHCR and international experts, and training is ongoing. Asylum seekers receive a first instance decision within 30 days of their application. In 2008, 13 persons applied for asylum, 8 of whom received refugee status.

Regarding cooperation with the border police, a pre-screening procedure is in effect whereby the Border and Migration Police ascertain whether each foreigner who enters Albania illegally is an asylum seeker, a potential victim of trafficking or an economic migrant. Identified asylum seekers are thereafter transferred to the reception centre in Babrru (outskirts of Tirana). Between 1 April 2004 and 30 June 2006 more than 1,500 police officers and officials were trained on the pre-screening procedure by UNHCR.

The amended Law on Asylum has abolished the National Commission for Refugees (NCR) as a second instance body. The latter had faced a significant backlog in the treatment of applications. The new legal framework now ensures that appeals against decisions of the DNR can be lodged directly before a court, but does not adequately specify the procedure to be followed, or which court is responsible. In practice, appeals are processed by the District of Tirana Court.

Management of the reception centre for asylum seekers in Babrru was taken over by the

Albanian authorities from UNHCR in 2004. Following recent renovations, the centre now has the capacity to accommodate 120 persons in good conditions, although currently only 15 are present. The reception centre currently employs 15 persons who have received adequate training. Asylum seekers are guaranteed access to health care and education, and receive a monthly allowance from UNHCR. It is advisable that the training of staff and assistance activities are taken over by the Albanian authorities from UNHCR.

Migration Management (benchmarks 10, 13-17)

November 2008 Assessment

A new Law on foreigners is set to enter into force on 1 December 2008. The implementation of the law is of particular importance.

Albania is proceeding with the implementation of the national migration strategy and its action plan, adopted in May 2005. Since 2007, an EU-funded project (CARDS 2004) implemented by IOM is in place to support the implementation of the National Strategy on Migration. This project includes training programmes on migration legislation for government officials and preparation of a manual on implementation of migration legislation. In May 2008, the Ministry of Labour, Social Affairs and Equal Opportunities established a coordination and monitoring plan for the implementation of the national migration strategy and its action plan; however, an inter-ministerial coordination mechanism has yet to be established.

A Department of migration policy has been established within the Ministry of Labour, Social Affairs and Equal Opportunities, which (along with regional and local labour offices) manages registers of foreigners residing with a work permit (or excluded from a work permit), potential emigrants and returned Albanian citizens. A further register of residence permits for foreigners, returned Albanian citizens and extradition orders for foreigners is managed by the Border and migration department. While the establishment of such registers is welcomed, there is a need to ensure efficient communication and cooperation between different administrations, to ensure that data can be collected for risk analysis and monitoring of third country nationals.

Regarding the fight against illegal immigration, the Border and Migration Police collects statistical data on legal and illegal crossing of border crossing points, cases of immediate expulsion at the border, readmissions, issuance of permits of stay, refusal of permits of stay or refusal of entry into Albania. Insufficient information is provided regarding the role of Border and migration police in the detection of inland illegal immigration other than the collection of statistical information and analysis.

A National Referral Mechanism has been put in place for the victims of human trafficking. A Memorandum of Understanding has been signed among the state and non-governmental structures in this field. Nevertheless, cooperation with victims is insufficient, both identification and protection need to be strengthened.

Rules of carriers' liability were introduced by the Law on foreigners of 1999. The sanctions are to be revised by the new Law on foreigners due to enter into force on 1 December 2008.

The existing law foresees expulsion orders (return decisions) for illegally staying third-country nationals implying a period for voluntary return. In case the returnee does not fulfil his obligation to return voluntarily, measures supporting forced return, including detention, are foreseen. Detention in closed centres can last up to six months with the possibility of extension for another six months in special cases. A first centre with a capacity of 200 persons is under construction.

Refusals of entry are still at a very low level in comparison to other countries of the Western Balkans although they increased from 414 in 2006 to 814 in the year 2007 (+ 120%). The number apprehended remained low (20 in 2007) and the number of removals carried out increased (+ 400 %) though at a very low level in absolute figures from 9 in 2006 to 36 in the year 2007.

The readmission agreement between the European Community and Albania is being implemented and bilateral readmission agreements have been signed or are under negotiation with different neighbouring countries. Albania faces obstacles in carrying out effective and sustainable removals to countries of origin. Besides difficulties to verify the identity of apprehended third-country nationals, the lack of co-operation of the countries of origin creates problems. The main countries of origin have no diplomatic representation in Albania. To overcome some of the difficulties, the Albanian Ministry of Interior is planning to sign bilateral readmission agreements with countries of origin.

Further information is requested on:

- implementation of the new Law on foreigners;
- implementation of measures 5-38 of the action plan, and sustainability of human and financial resources allocated to implementation of the action plan;
- administrative capacity in the migration field and methods used in collecting and producing statistics on migration flows;
- role of Border and Migration Police in detection of inland illegal immigration other than collection of statistical information and analysis;
- human resources dedicated to the fight against illegal immigration, organised smuggling and trafficking of human beings, division of competences between law enforcement agencies in charge of inland detection, and administrative methodology for detection and investigation of illegal immigration;
- functioning of national referral mechanisms as well as an assessment of the first results achieved;
- return policy, in particular on administrative bodies involved in the return procedure and their resources and capacity, conditions in detention facilities, and length of the entry ban;
- statistics concerning relation between return decisions taken and removals carried out;
- cooperation on readmission with countries of origin and transit of illegal immigrants.

Updated May 2009 Assessment:

Substantial progress has been made by the Albanian authorities in implementing the Law on

Foreigners which entered into force on 1 December 2008. Most provisions of the law are in line with EU standards and it introduces distinctions among different residence permits according to the length of stay. Provisions on carrier's liability are also included in the Law on Foreigners. 13 bylaws, required for the implementation of the new Law on Foreigners, were adopted at the end of April 2009. An Action Plan should also be adopted to ensure quick and effective implementation of the new legal framework.

Regarding the organisational structure for migration management, the Central Directorate of Migration and Readmission within the Department of Border and Migration (DBM HQ) of the Ministry of Interior (MoI) and its 8 Regional Directorates of Border and Migration (RDBMs) are the main responsible authorities. The procedural system for approving applications for residence permits involves checks at two different levels, with final competence on approving applications lying with the Central Directorate.

Substantial progress has been made regarding the monitoring of migration flows. Migration statistics are recorded in the TIMS and plans exist to further upgrade this system. It should in particular be ensured that all ministries with an interest in migration management can access it. The DBM HQ has a specific Risk Analysis Office to monitor migration flows and stocks and shares this information with Eurostat. Data on residence permits is collected by each RDBM and forwarded to DBM HQ daily.

Data collection forms on visa and residence permits have been harmonised in line with EU standards (Regulation 862/2007). Albania produced a national updated Migration Profile in 2008; showing statistics on illegal migration, asylum applications, refusals of entry, refusals of visa applications and removals while a full profile of the immigrant population should be produced.

Regarding integration policy, a more proactive approach is required towards both legally residing immigrants and returnees. Immigrants do not benefit from an integrated system of financial and social support, and no specific measures on integration of foreigners are put in practise.

The Ministry of Labour is responsible for reintegration of returnees and, according to the Law on Emigration (in force since 2006), several measures and programmes are foreseen to satisfy their needs. More efforts should be made to involve competent expertise with a specific knowledge of the reintegration process.

The investigation and detection of organised forms of illegal migration is coordinated by the DBM HQ and its Regional Directorates in cooperation with the general police regional Directorates. A wide network of cooperation at different levels is established. The number of officials involved in RDBMs is not sufficient to efficiently tackle inland illegal migration.

Regarding the methodology of inland detection, no specific legislation or internal rule is available. Inland controls are organised jointly by the border and the general police forces.

Expulsion of illegally residing third country nationals is regulated by the new Law on Foreigners and is broadly in line with European Standards. Three types of removal are regulated in the Law on Foreigners with differing time limits for voluntary departure from the country. The possibility to appeal against removal orders exists. A detention centre is still under construction and illegal migrants are in the meantime accommodated in the high

security shelter for trafficked persons, although in a separated building. At the beginning of April 2009, 5 illegal migrants in total were held there.

The collection of data on returns is still manual, while data on refusal of entry is inserted into the TIMS. In total, 105 removals were executed in 2008, 76 of which were voluntary and 29 forced. No expulsion was ordered in 2008 while only 2 were carried out in the first trimester 2009. Also the number of refusals of entry was relatively low in 2008, in total 407 cases.

The Albanian authorities are cooperating effectively on readmission issues with EU Member States.

BLOCK 3 Public order and security

General assessment of block 3:

Some progress has been made by Albania towards the fulfilment of the benchmarks under block 3. The general legal framework for the fight against organised crime and corruption is in place. Strategies and action plans in the areas of the fight against drugs, trafficking in human beings and corruption have been adopted. The alignment of the domestic legal framework with European and international standards is generally underway. In some areas improvements in inter-agency and international cooperation activities were recorded.

However, considerable additional progress is still required across all policy areas under this block. The implementation of the key strategies remains a challenge and an overall action plan related to the fight against organised crime as well as an anti-money laundering strategy and action plan still have to be adopted. Considerable efforts need to be made to implement the existing legal and policy framework. In this view, further human and financial resources as well as training need to be provided and the capacities of the relevant administrative structures have to be strengthened in order to fight organised crime and corruption more effectively. Police operations remain reactive and fragmented, and the use of criminal intelligence tools such as MEMEX remains weak. Insufficient inter-agency cooperation and operational as well as investigative capacity remain obstacles to efficient law enforcement. International cooperation should be strengthened. Clear statistics are not available, especially relating to the use of special investigative techniques, including the results achieved. In the area of protection of personal data, progress has been made but adequate human and financial resources remain to be allocated.

Albania has made some progress in the area of public order and security, but it appears that it does not yet fully meet the benchmarks under this block.

Detailed comments on block 3 by policy area:

General/Overall policy on preventing and fighting organised crime and terrorism **(benchmarks 18, 23)**

November 2008 Assessment

The inter-sector strategy for fighting organised crime, trafficking and terrorism was adopted in July 2008 and an action plan against trafficking of stolen vehicles was adopted in April 2008. An inter-ministerial working group, chaired by the Minister of Interior, was established in 2007 to follow-up the implementation of the strategy and to draft action plans for every institution which are not adopted yet at present.

The strategy is ambitious but as it is inter-sectoral, it remains a rather general document. The adoption and implementation of action plans with specific priorities, clear timing and monitoring mechanisms is therefore crucial. Beside the structure at political level (the inter-ministerial working group), there is no information on the administrative structures

responsible for the coordination and implementation of the strategy. At this stage, a clear identification of responsibilities, a timeframe and financial framework seems to be missing.

Although the UN Convention on Transnational Organised Crime and its three protocols have been ratified, the implementation via national law is not complete. The investigative capacity at the police and within the general prosecutor is weak. At present there is a lack of human and technological capacity to engage in longer-term operations aimed at the higher echelons of organised crime. As the statistical data provided only cover the last 6 months, there is insufficient information to assess the trends and evolution of organised crime activities and measures taken against criminals.

Further information is requested on:

- the strategy (and action plan or the timing for its adoption), the organised crime priorities and the administrative capacity for the implementation (institutional responsibilities, human resources, financing);
- organigrammes reflecting the institutional set-up (MoI, judiciary etc.) as regards the fight against organised crime including for each specific policy area (trafficking, economic crime, drugs, anti-corruption);
- statistics on trends in organised crime for the period 2004-2008.

May 2009 Updated Assessment:

An overall action plan relating to the fight against organised crime still needs to be developed so as to implement the inter-sector strategy against organised crime, trafficking and terrorism, while action plans have been adopted focusing on the areas of the fight against drugs and the trafficking in human beings. Regarding corruption, a cross-cutting action plan has been adopted in January 2009. Furthermore, the necessary financial and human resources, including continuous training, need to be provided to the relevant authorities responsible for the implementation of the umbrella strategy.

The implementation of the UN Convention on Transnational organised crime via national law has been partially accomplished. In practice, the special instruments envisaged by it are rarely used. Further legal and administrative measures need to be taken in order to complete harmonisation with accepted international standards in the area of prevention and fighting of organised crime. Significant efforts still need to be made to reinforce the investigative capacity in the police and the prosecution and to enforce cooperation between law enforcement agencies, the judiciary and the prosecution.

Policy on preventing and fighting trafficking in human beings (benchmarks 19, 23)

November 2008 Assessment

The strategy of the fight against trafficking of persons (2008-2010) and the national strategy for the fight against trafficking in children and protection of child victims of trafficking

(2008-2010) were adopted in July 2008 (as part of the inter-Sector strategy of the fight against organised crime). An action plan is joined to each strategy but it does not contain a detailed budgetary chapter matching the measures planned. The strategies constitute a follow-up to the previously existing policies for 2005-2007.

The general criminal law framework on anti-trafficking has been laid down to a great extent. The Council of Europe Convention on Trafficking of Human Beings has recently entered into force in Albania but needs to be implemented via national measures. A wide range of specific structures responsible for fighting trafficking in human beings are in place but cooperation between them has to be improved. The Office of the national anti-trafficking coordinator held meetings with neighbouring countries in order to enhance regional cooperation. Together with joint operational activities within the region, this has led to certain tangible results in fighting criminal groups.

Some steps have been taken in creating the victim protection regime but implementation is not satisfactory. First of all, the capacity for identification of victims needs to be reinforced by targeted training to law enforcement officials and service providers. A database on victims of trafficking is also not yet operational.

The anti-trafficking police units remain poorly trained and are ill-equipped to effectively address human trafficking due to inadequate resources, the influence of corruption, and high turnover of police recruits. More details about planned human and financial capacities and training activities of the responsible bodies in this policy field are needed. Statistics covering the period of the previous policy documents are given but are not sufficiently detailed.

Further information is requested on:

- the evaluation report (also provide a copy of the report) on the previous strategy against trafficking in human beings (2005-2007) and the relation between the old and new strategies (main lessons learned etc);
- the priorities, first results of the strategies;
- the division of responsibilities between the relevant bodies;
- provide information on training for governmental and non-governmental players;
- on victim identification and victim assistance activities, including policy measures and assistance activities;
- detailed statistics on trends in trafficking in human beings covering 2004-2008, including investigations, indictments, convictions of criminals and number of identified, assisted victims.

May 2009 Updated Assessment:

The National strategy on the fight against trafficking in human beings reiterates the roles of the different bodies in this field. There is further need for a clear definition of the exact tasks and responsibilities of the relevant bodies. In particular, the coordination mechanism between the central and regional police units engaged in the fight against trafficking in human beings needs to be clarified.

Implementation of the legal framework in place needs to be ensured and a number of measures remain to be taken in order to implement the Council of Europe Convention on

Action against trafficking in human beings, in particular in the area of victim protection.

Significant further efforts are needed to effectively investigate and prosecute criminals in the area of human trafficking. The statistics provided show a small percentage of successful cases handled by the Illicit trafficking sector of the police Directorate against organised crime. More resources need be committed to train and employ the necessary qualified human resources in the different bodies involved both on the local and central levels. Counter-trafficking measures could further be improved by allowing for the use of special investigative measures on the local level. Furthermore, enhancing international cooperation is also needed. Work is underway to sign cooperation protocols in the fight against trafficking in human beings with the former Yugoslav Republic of Macedonia, Montenegro and Kosovo.

A database on victims of trafficking containing information on victims from their identification to reintegration became operational in September 2008. Further improvements are necessary in the protection of victims of trafficking, in particular as regards the reintegration of child victims and the prevention of child labour. A new law is being drafted in order to improve foster care and adoption procedures of trafficked children. Training on the identification and assistance of victims needs to be provided to all actors involved, in particular to NGOs and female border guards.

Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 20, 23)

November 2008 Assessment

A strategy and an action plan on the prevention of money laundering are being drafted but their adoption is not foreseen before September 2009. Specific legislation creating the framework in this policy area - the law on prevention of money laundering and financing of terrorism of May 2008 - is in place but bylaws are still to be adopted for its proper implementation. The link between this law and the law on measures against financing of terrorism of 2004 is not clear. In addition, further efforts need to be taken on incorporating international standards (FATF recommendations, UN and Council of Europe Conventions) into the national law.

As far as the institutional set-up is concerned, specific structures are in place, including a National committee on the coordination of the fight for prevention of money laundering. The General Directorate for the prevention of money laundering acts as Albania's Financial Intelligence Unit (FIU). Problems such as a high staff turnover however affect its efficiency. Both national and international cooperation requires more focused action. The envisaged strengthening of the state police structure in the area of money laundering and the setting-up of task forces with the General Prosecution office planned for next year are initiatives to this end but the method for effective implementation needs clarification.

Further information is requested on:

- the main priorities of the strategy and more details on the next steps as regards the action plan;

- the legislative framework existing in the area of money-laundering and terrorist financing by providing also reference to the implementation of international conventions and standards;
- the division of responsibilities between the relevant authorities;
- plans to strengthen the state police structure and the set up of task forces with the General Prosecution office (e.g. staffing, training, budget and equipment) and any other plans for enforced cooperation and increased operational capacities; statistics on trends for the period 2004-2008 on fighting money laundering - including investigations, indictments and convictions - and on actions on confiscation of criminal assets.

May 2009 Updated Assessment:

The strategy and action plan on the prevention of money-laundering remain to be finalised and implemented. Even though the adoption in 2008 of the law on the prevention of money laundering and financing of terrorism has increased the compliance of the Albanian system with international requirements (FATF and Moneyval), it is still not fully in line with European and international standards and a number of bylaws need to be adopted.

The number of suspicious transaction reports sent to the police or prosecution by the FIU has increased. Cases involving large financial transactions or higher level criminal groups remain to be appropriately addressed, while the number of suspicious transaction reports sent to the FIU remains low. In this regard the measures to raise the awareness of the reporting entities of their obligations should continue. The capacity and specialisation of the law enforcement authorities involved in investigating money laundering cases have improved through the creation in 2007 of special police units within the Department for the fight against financial crime and the Joint unit for investigation of economic crime and corruption in the Tirana general prosecutor's office. Problems remain as to prosecuting and adjudicating cases of money laundering.

A law enabling the seizure and confiscation of criminal assets has been adopted in 2004, but the scope of its application is limited by a decision of the Supreme Court since 2007. An Agency for the Administration of Sequestered and Confiscated Assets has been operational since June 2008. There is need to reinforce the capacity of the Agency and to clarify the procedures with regard to the seizure and confiscation of proceeds of crime.

Anti-drug policy (benchmark 21)

November 2008 Assessment

The national strategy against drug trafficking and a national drug action plan 2004-2010 are in place. Despite Albania's commitment to an active anti-drugs policy, trafficking remains a serious concern. Inter-agency cooperation has improved in recent years. Co-operation agreements were signed between the different responsible bodies and joint task forces were established, including representatives from the Ministry of Interior, border police, tax police, road police and customs. The police are taking an increasingly active role in counter narcotics operations. International cooperation increased and successful joint international operations

have been implemented. Due to successful operations, drug-related prosecutions have increased. Due to the fact that the MEMEX information server is located in the Ministry of Interior, accessibility of drugs information at border crossing points at present is not satisfactory. Work on alignment with EMCDDA standards is ongoing in the context of the 2008 CARDS project.

In order to ensure efficient implementation of the strategy, administrative capacities need to be strengthened, in particular through sufficient qualified personnel in all responsible authorities (customs, police etc.) and continuous training. The operations conducted need to have a more qualitative focus by using special investigative means and with the objective of dismantling organised criminal structures instead of individual arrests.

Further information is requested on:

- main implemented measures of the strategy and their concrete results;
- details on the procedure on the alignment of information collection with EMCDDA standards;
- further details in the statistics provided, in particular the number of convictions.

May 2009 Updated Assessment:

In order to ensure the efficient implementation of the anti-drug strategy and action plan, administrative capacities need to be further strengthened and continuous training provided to the staff involved in this area.

The standards of collection of information and the exchange of information on drugs-related investigations between the central and regional police units is hampered by the lack of direct access to the MEMEX information system by the regional police units and by the inaccessibility of the system to other law enforcement authorities.

Overall, the use of proactive, intelligence-led law enforcement operations in the fight against narcotics needs to be further strengthened. Inter-agency cooperation must also be significantly improved in order to achieve long term, sustainable results

Increased international cooperation and the total ban on the use of speed boats on the blue borders (introduced in 2005 and expiring at the end of 2009) have helped to control drug trafficking from and to Albania. The establishment of a new storage for confiscated drugs in Tirana in May 2008 is a welcome development. The setting up of further similar facilities should be considered at critical border points.

Policy on preventing and fighting corruption (benchmarks 22, 23)

November 2008 Assessment

The inter-sector strategy for prevention, fight against corruption and transparent governance adopted on 3 October 2008 is a comprehensive and ambitious policy document. On the

prevention side, efforts have been made to reduce corruption in public procurement and property restitution, in particular through simplification of procedures and introduction of electronic systems. The lack of necessary institutional capacities for implementing the anti-corruption strategy as well as coordinating and monitoring the fight against corruption is a weak point of the Albanian system. A stable institutional set-up together with firm monitoring responsibilities is required. A specific action plan spelling out concrete measures and the adequate resources remains to be implemented.

The overall institutional set-up and inter-agency coordination in the fight against corruption remain weak. The police and judiciary became more active in investigating government officials and law enforcement personnel for corruption, according to the report of the Office of the Prosecutor General. Nevertheless, Albania continues to lack the judicial independence for truly unbiased proceedings and many cases are never resolved. All relevant UN and Council of Europe conventions have been ratified though they are not yet fully implemented via national law. Similarly, GRECO recommendations have been only partially implemented.

Further information is requested on:

- details on the implementation of the strategy and its unique action plan, measures taken, result achieved so far, priorities for the future with details on timetable, responsible authorities, training, administrative needs;
- details on measures to strengthen institutional capacity and inter-agency coordination (e.g. mandate, staffing, budget, special investigative techniques, databases, information exchange, trainings);
- further statistics and examples of successful cases and convictions for the period 2004-2008.

May 2009 Updated Assessment:

The integrated anti-corruption action plan for 2009 adopted in January 2009 is a very ambitious document. There is however a risk that the measures outlined are too broad to be realistically implemented within the limited timeframe foreseen and that the action plan will not be supported by the adequate financial and human resources for its implementation.

An inter-ministerial working group for the drafting and implementation of the anti-corruption strategy was set up in 2006. It remains unclear whether the working group can in practice provide the support and coordination needed for the implementation of the strategy. A joint unit for the investigation (JIU) of economic crime and corruption was set up in May 2007 within the Tirana general prosecutor's office, bringing together prosecutors, police officers and tax and customs officials. This positive operational step has contributed to increasing the capacity to investigate corruption crimes. The establishment of 6 similar units in other prosecution offices elsewhere in the country is a positive step that needs to be completed. Similarly, specialised police units have been created to combat corruption and economic crime. The trend towards increasing specialisation in the relevant state institutions is positive.

Internal control systems including anti-corruption activities are being introduced in the public administration and law enforcement but should be strengthened to effectively prevent corruption. For the moment, there is too much reliance on outside services such as the High Inspectorate for the Declaration and Audit of Assets or the Prime Minister's Department for

Internal Administrative Control and Anti-Corruption (DIACA).

The implementation of GRECO recommendations and UN and Council of Europe Conventions needs to be improved.

Judicial co-operation in criminal matters (benchmarks 24 - 26)

November 2008 Assessment

The main European and international conventions in the field of extradition, mutual legal assistance and other forms of legal and judicial cooperation have been ratified. The Ministry of Justice acts as central authority for requests of judicial cooperation

As regards mutual legal assistance, the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters is in force in the country, and relevant legislation has been amended accordingly. More information is needed on the amendments and on the procedure and practical functioning. The country reported a relatively rapid average period of compliance with requests for legal assistance; however, figures and statistics are lacking.

As regards extradition, Albania signed specific agreements facilitating procedures of extradition (and in general judicial cooperation) with neighboring countries, in the form of bilateral addenda to relevant European Conventions.

The country reports on its experience in recognition of foreign judicial decisions in criminal matters, on the basis of the European Convention on the International Validity of Criminal Judgments and of specific bilateral treaties on the issue.

Preparations are ongoing for the conclusion of a cooperation agreement with Eurojust but a contact point still has to be appointed.

Further information is requested on:

- the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters: provide more information on the amendments made to the legislation and on the procedure and practical functioning;
- statistics, examples and cases illustrating the period of compliance with requests for legal assistance;
- statistics, explaining number of and grounds for refusal and legal bases utilized (bilateral, Council of Europe or UN conventions);
- overview of relevant training of competent authorities on international judicial cooperation;
- development of direct contacts between judicial authorities and commitment to networking activities and regional cooperation;
- use of new means of cooperation, such as videoconferencing, establishment of joint investigative teams, international protection of witnesses;
- responsibilities and human resources of authorities dealing with judicial cooperation.

May 2009 Updated Assessment:

A new specific law on mutual legal assistance is under preparation. An inter-institutional working group has been established within the Ministry of Justice to coordinate its drafting. It is important that the planned law lays out in sufficient detail the measures to be taken in order to enhance coordination at national level and timely response in handling requests for international legal assistance.

As regards the implementation of the 2nd additional Protocol to the European Convention on Mutual Legal Assistance in criminal matters, certain instruments foreseen by the Protocol (e.g. the use of videoconferences for the hearing of witnesses) have been applied in a very limited number of cases. Continuous training to all staff dealing with requests for mutual legal assistance and a sufficient budget, especially to cover translation costs, should be ensured on a sustainable basis in order to deal effectively with the growing number of requests.

A bilateral extradition agreement has been signed with Italy and is under preparation with Greece. Once these agreements enter into force extraditions will be greatly facilitated.

Law enforcement co-operation and operational capacity of law enforcement services (benchmarks 27-31)

November 2008 Assessment

Significant legislative developments (new Law on state police, new Law on the coast guard, new Law on foreigners) have taken place. Although the recently started implementation of the State police law has positive effects on law enforcement, the overall management of police human resources is unsatisfactory. Lack of clarity in the legislation gives rise to confusion of responsibilities and to poor accountability among the relevant bodies. A joint regulation on cooperation between border guards and customs was recently signed but implementation has not yet started. A joint order between the police and customs also exists on a specific area but examples of concrete day-to-day cooperation between these authorities is lacking. Difficulties in co-operation between police and prosecutors at the operational level are still problematic. Standardisation of case reporting is key to progress but is currently lacking. Similarly, the fight against organised crime is hampered by a lack of effective cooperation between law enforcement bodies and the judiciary.

An increasing number of bilateral protocols with several countries in the region is signed or planned though their implementation is at an early stage. A strategic cooperation agreement with Europol entered into force in 2007; preparations for an operational cooperation agreement are ongoing.

The overall investigative capacity of the law enforcement authorities and the prosecution needs to be strengthened. The police use of criminal intelligence is weakened by the fact that intelligence databases, the MEMEX information servers, are still located at the Ministry of Interior and not at police headquarters.

Further information is requested on:

- the inter-agency cooperation mechanism (including with the judiciary) in more detail with special attention the mechanism for information exchange (e.g. what kind of databases are used by which law enforcement agency; how other agencies can access the available data; number of liaison officers among the agencies);
- more details on "the inter-ministerial group for monitoring and implementing MIK and its action plan": mandate and result of the group, what is the action plan about etc.;
- the legal framework and current practice on the use of special investigative techniques;
- successful cases (especially in the area of fighting financial crimes; trafficking in human beings) where special investigative techniques have been used;
- steps taken and future measures to improve the use of special investigative techniques;
- details on all training activities provided for law enforcement personal.

May 2009 Updated Assessment:

Further efforts are needed in the area of police reform, especially as regards the recruitment, retention and training of staff, as well as the overall management of the state police.

Significant progress is still to be made to formalise and enforce cooperation with other law enforcement agencies and with the prosecution and judiciary. Difficulties remain as regards cooperation between the organised crime departments on the central and regional levels and the exchange of information between the border police and customs. As regards cooperation with the judiciary, the establishment of joint investigative units (JIU) to 6 regional prosecutor's offices is a welcome development.

The use of special investigative measures in organised crime cases by the Albanian law enforcement authorities is currently restricted to the central police departments. Their operational use has been limited in the past, but appears to be increasing. There is a plan to extend their wider use into further crime areas by modifying the Criminal Procedure Code. Regular training should be provided to the police officers involved in the use of special investigative measures.

There is limited awareness of the importance of implementing an intelligence-led approach to investigations on a national scale and very scarce use is made of criminal intelligence tools. Awareness of the concept of a National Intelligence Model is extremely limited.

The MEMEX information system for the management of criminal intelligence remains located in the Ministry of the Interior and is directly accessible only to the central police offices. In this view, plans to extend electronic access to the system to all regional police offices by the end of 2009 are welcome and the provision of the necessary financial means, including meeting the relevant training needs, is essential.

Protection of personal data (benchmarks 32, 33)

November 2008 Assessment

The new Albanian Law on protection of personal data entered into force in April 2008. In September 2008, the Commissioner for data protection was appointed by Parliament and the structure for the independent data protection supervisory authority was agreed. The Additional Protocol of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data has been signed, ratified and entered into force. This is one of the requirements for the conclusion of an operational agreement with Europol and Eurojust. The information provided in the report is not very substantial however.

Further information is requested on:

- the new Albanian Law on protection of personal data, in particular if it covers automated databases containing personal data in the area of criminal records and state security;
- the law on establishing the "Centre for processing and protection of data" in the Ministry of Interior, to which amendments were made as a result of the adoption of the new law on the protection of personal data, and on the supervision of the Centre by the new Commissioner for data protection;
- progress made in setting up the supervisory authority and on measures taken to make it operational (human and financial resources, training).

May 2009 Updated Assessment:

The new Albanian Law on protection of personal data also applies to automated databases containing personal data in the area of criminal records and state security. Further efforts are needed for its implementation and to ensure effective supervision by the Commissioner for data protection. To this end, it is of utmost importance that adequate financial and human resources are allocated to the supervisory authority.

BLOCK 4 External Relations and Fundamental Rights

General assessment of block 4:

Albania has made good progress towards meeting the benchmarks set under block 4, but some problems remain. The basic legal framework for ensuring free movement and access to documents in Albanian is in place. Practical efforts have been made to ensure access to documents for some specific groups but problems in this area still remain, in particular as regards the Roma community.

Provisions on the protection of minorities are in place as well as specific institutional structures. The progress with the implementation of the Roma strategy is limited, as it continues to lack adequate budgetary means, and the monitoring unit within the Ministry of Labour, Social Affairs and Equal Opportunities is understaffed. Furthermore, there is a new draft Action Plan for the Roma Decade that should be adopted in June 2009.

To complete the legal framework on equal treatment, a specific law on anti-discrimination remains to be adopted by Parliament. There are no registered cases of discrimination and no reported cases. Further efforts are necessary to fight discrimination on all grounds, including on sexual orientation.

It appears that Albania is on the right track to meet the benchmarks under this block. Additional efforts should be concentrated on protection of minorities and fight against discrimination.

Detailed comments on block 4 per policy area:

Freedom of movement and identity documents (benchmarks 34 – 36)

November 2008 Assessment

The Albanian constitution contains the principle of equality for all citizens before the law and prohibits unfair discrimination. At the same time it allows positive discrimination in the form of specific measures, treatment or support to individuals, categories of individuals or groups where this is legitimate. It is not clear however, how complaints in case of discrimination are dealt with.

As regards access to travel and identity documents, the 2000 Law on provision of Albanian citizens with travel passports as well as an instruction of the Minister of Public Order of 2002, detail the procedures and conditions for obtaining a passport. A birth certificate is one of the documents required to obtain a passport. No details are provided on the current process to obtain identity documents. The new electronic civil registry system, operational since 31 October 2008, is to serve as the basis for the issuance of both identity cards and passports from January 2009.

Mobile (police) stations are operational to provide passports to specific groups such as rural inhabitants, Roma, disabled people and prisoners. Efforts are being made to increase the

registration of Roma, a precondition for ensuring access to travel and identity documents for Roma, but this remains a problematic issue. Refugees are entitled to apply and obtain a travel document on the basis of the asylum law of 1998. No information is provided on their access to identity documents.

Further information is requested on:

- the mechanisms for handling incidents/citizens' complaints in case of discrimination;
- legislation/procedures to obtain identity cards;
- efforts to increase registration of Roma;
- legal arrangements regarding access to identity documents for refugees;
- statistics on access to documents for refugees (number of refugees who applied/received documents).

May 2009 Updated Assessment:

Birth certificates from the civil registry are provided by a special number which is also on the ID cards. The government offers pecuniary encouragement to registering a child soon after birth (\$ 50 reward if the registering takes place within 45 days). Birth registration can also be completed after this deadline. However, there are persisting problems of registration mainly within the Roma community.

The process of issuing new ID cards started in January 2009 with some organisational problems. According to official data, 270,000 ID cards had been distributed by 7 May 2009. The fee for the new ID cards was reduced for some groups of the population (students, unemployed, pensioners) and ID cards are given free of charge to the Roma minority. It was also announced that the standard fee would be reduced to 200 Lek for the 700,000 citizens who do not have a passport .

The processing of applications for biometric passports started on 25 March 2009 but no significant number of such passports has been delivered (by 7 May 2009, there were 7294 applications and 4975 passports ready for distribution).

In total there were 97 people with refugee status in Albania.

Citizens' rights including protection of minorities (benchmark 37 – 41)

November 2008 Assessment

Besides constitutional anti-discrimination provisions, there are references to anti-discrimination in several laws (such as the Criminal code, Law on police, Electoral code, etc) and positive discrimination is provided for in certain cases. A general anti-discrimination law is not in place.

Conditions for acquiring citizenship are specified in the 1998 Law on Albanian citizenship (amended in 1999) and described in detail in the report (through birth, naturalisation, adoption).

Albania reports that there are no cases of ethnically motivated incidents by law enforcement officers in the area of free movement and no information is given on ombudsperson/NGO reports. Procedures for investigation of possible incidents are not described.

Albania has constitutional guarantees and legislation to protect minorities but no information is given on the different provisions in place, except for a reference to the Roma strategy. At national level, an institutional framework is established to ensure protection of minorities, including a State committee and a Sector for minorities in the Ministry of Foreign Affairs. Structures at local level are not mentioned. The National plan for the implementation of the Stabilisation and Association Agreement is referred to as the policy document determining the priorities and objectives in the field of minority rights. The one priority mentioned is the strengthening of the dialogue with representatives of minorities.

In 2006, the national strategy on improvement of the living conditions of the Roma community was adopted and an action plan for the Roma decade is currently being prepared. A sector for monitoring the strategy is in place and is expected to be upgraded. However, in general human and budgetary resources allocated to this policy are insufficient and limited progress is being made.

Further information is requested on:

- procedures for investigation of incidents by law enforcement officers;
- constitutional and other legal provisions in place on the protection of minorities;
- activities related to other minority groups than Roma;
- the finalised progress report of the Roma strategy and the results achieved;
- the action plan for the Roma decade (timing, priorities, budget);
- (future) staffing of the sector for monitoring the strategy and budget allocated to the policy on Roma.

May 2009 Updated Assessment:

The Albanian Constitution contains the principle of equality for all citizens before the law and prohibits unfair discrimination. There is no comprehensive legal framework on anti-discrimination in place. A draft "Law on Protection against all forms of discrimination" has not yet been adopted by Parliament. However, the concept of anti-discrimination is mentioned explicitly in several legal acts.

No cases of ethnically motivated incidents by law enforcement officers in the area of free movement or other type of discrimination have been reported. The current rules on filing complaints in cases of discrimination cover measures to be taken against police officers who commit disciplinary violations, as well as the possibility of filing a complaint to the Ombudsman. His office publishes an annual report, which is submitted to the relevant parliamentary commission for discussion; the 2008 report was submitted to the parliamentary commission in April 2009.

The 1998 Law on Albanian citizenship and its subsequent amendments constitute a clear legal

framework on citizenship. A list of conditions and documents required for obtaining Albanian citizenship via naturalization was provided as well as the conditions for leaving Albanian citizenship. Ethnic Albanians from Kosovo, Montenegro and the former Yugoslav Republic of Macedonia can acquire Albanian citizenship provided they can prove a minimum of 3 years legal residence without interruption in Albania (even if this residence has occurred in the past) but for other foreigners, the minimum length of stay to obtain Albanian citizenship is 5 years.

Albania has not concluded any bilateral agreements on dual citizenship. Statistics on the number of Albanian citizenships granted, including to Albanians from Kosovo and the former Yugoslav Republic of Macedonia, were provided.

There are 3 official national minorities (Greek, *Macedonian* and Serbian-Montenegrin) and 2 ethno-linguistic minorities (Aromanian and Roma). The education of national minorities has clear rules and school texts are available in minority languages. However, the development of minority policies requires accurate and up-to-date statistics on all minorities. Such data is not available at present.

Strengthening of the resources of the Ministry of Labour is needed to improve monitoring of Roma issues. A regulation of the Ministry of Interior from December 2008 creates a working group for the identification and registration of the unregistered Roma population. Albania became a full member of the Decade of Roma Inclusion 2005–2015 in July 2008. Adoption of the National Action Plan is foreseen for June 2009.